

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INTELLECTUAL VENTURES I LLC and INTELLECTUAL VENTURES II LLC,)	
)	Civil Action No. 2:13-cv-00740-AJS
)	
Plaintiffs,)	U.S. District Judge Arthur J. Schwab
)	
v.)	ELECTRONICALLY FILED
)	
PNC FINANCIAL SERVICES GROUP, INC.)	
and PNC BANK, N.A.,)	JURY TRIAL DEMANDED
)	
Defendants.)	

██████████ CASE MANAGEMENT ORDER

AND NOW, this 15th day of July, 2013,

IT IS ORDERED that this action is placed under the Local Patent Rules of this Court for pretrial proceedings and all provisions of these Rules will be strictly enforced.

IT IS FURTHER ORDERED that counsel shall confer with their clients prior to all scheduling, status, or pretrial conferences to participate in settlement negotiations which may be conducted or ordered by the Court.

IT IS FURTHER ORDERED that compliance with provisions of Local Rule 16 and the Local Patent Rules shall be completed as follows:

- (1) All parties shall serve Fed. R. Civ. P. Rule 26(a) disclosures by **July 29, 2013** (*see also* Exhibit A to Practices and Procedures of Judge Arthur J. Schwab);
- (2) The Parties shall move to amend the pleadings or add new parties by **August 14, 2013**;
- (3) The party claiming patent infringement must serve on all parties a Disclosure of Asserted Claims and Infringement Contentions by **August 16, 2013**;
- (4) Any party claiming damages must serve a complete computation of any category

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of damages claimed, making available for inspection and copying the documents or other
evidentiary materials on which such computation is based, including materials bearing on the
nature and extent of injuries suffered, by **August 16, 2013**;

(5) The party claiming non-infringement and/or invalidity must serve on all parties a
Disclosure of Non-infringement and/or Invalidity Contentions by **August 30, 2013**;

(6) The party claiming validity must serve on all parties a Disclosure of Validity by
September 11, 2013;

(7) Each party will simultaneously exchange Proposed Claim Terms and Phrases for
Construction by **September 13, 2013**;

(8) The parties shall meet and confer by **September 27, 2013** to identify claim terms
and phrases that are in dispute, and claim terms and phrases that are not in dispute and prepare
and file a Joint Disputed Claim Terms Chart. Each party shall also file with the Joint Disputed
Claim Terms Chart an appendix containing a copy of each item of intrinsic evidence cited by the
party in the Joint Disputed Claim Terms Chart;

(9) It is hereby ORDERED that David G. Oberdick is appointed Special Master
pursuant to Federal Rule of Civil Procedure 53 to serve in accordance with the LPRs in this
action;

(10) The parties have agreed to submit this case to private mediation. As such, it is
hereby ordered that Tim Ryan is appointed as the mediator to serve in accordance with the ADR
Policies and Procedures in this action;

(11) ^{First meeting of} The above-mentioned alternative dispute resolution shall take place ^{on or} within the
~~before October 11, 2013,~~
~~sixty (60) days following the Court's claim construction order, and on other such dates as the~~
parties may agree;

and the mediator

(12) Plaintiff shall file and serve an Opening Claim Construction Brief and an identification of extrinsic evidence by **October 28, 2013**;

(13) The Opposing Party shall file and serve a response to the Opening Claim Construction Brief, an identification of extrinsic evidence, and any objections to extrinsic evidence by **November 18, 2013**;

(14) The opening party may serve and file a Reply directly rebutting the opposing party's Response, and any objections to extrinsic evidence by **December 2, 2013**;

(15) ~~The Court will conduct a~~ hearing on the issue of Claim Construction on **December 13, 2013, or such other date amenable to the schedule of the [REDACTED] Special Master**;

(16) The Report and Recommendation of the Special Master on the issue of claim construction shall be due on **January 13, 2014**;

(17) The parties shall complete fact discovery by **February 10, 2014**, and all interrogatories, depositions, requests for admissions, and requests for production shall be served within sufficient time to allow responses to be completed prior to the close of discovery;

(18) Each party shall make its initial expert witness disclosures as required under Rule 26, on the issues on which each bears the burden of proof by the latter of **March 12, 2014**, ~~or 30 days after the Court's Order Adopting/Modifying the Special Master's Report and Recommendation~~;

(19) Each party shall make its initial expert witness disclosures, as required under Rule 26, on the issues on which the opposing party bears the burden of proof **by the latter of April 11, 2014**, ~~or 30 days after the exchange of initial expert witness disclosures on the issues on which each bears the burden of proof~~;

~~(20) Expert Depositions, if any, shall take place between the latter of April 18, 2014 and May 19, 2014, or the thirty day period beginning seven days after the exchange of initial expert witness disclosures on the issues which the opposing party bears the burden of proof;~~

(21) Any motion(s) for summary judgment with evidentiary material and accompanying brief, if appropriate, shall be filed by **June 23, 2014**, and opposition(s) to such motions shall be filed ~~within 30 calendar days thereafter~~ **on or before July 23, 2014.** Any reply brief in support of a motion shall be due no later than ~~10 days after the opposition~~ **August 4, 2014.** Surreply briefs shall not be filed unless approved/requested by the Court;

(22) Plaintiff's pretrial narrative statement shall comply with Rule 16.1.C.1, and be filed by **August 1, 2014**, ~~or such other date amenable to the Court's schedule;~~

(23) Defendant's pretrial narrative statement shall comply with Rule 16.1.C.1, and be filed by **August 11, 2014**, ~~or such other date amenable to the Court's schedule;~~

(24) The parties shall not amend or supplement their pretrial narrative statements without leave of the Court;

~~(25) The Court shall conduct a pretrial conference on September 15, 2014, or such other date amenable to the Court's schedule, at 9:00 a.m. in [Room TBA] U.S. Post Office & Courthouse, Seventh Avenue and Grant Street, Pittsburgh, Pennsylvania, and all trial counsel must attend; and~~

~~(26) The trial shall commence on October 1, 2014, or such other date amenable to the Court's schedule, in Courtroom No. TBA.~~

SO ORDERED this 15th day of July, 2013.


Arthur J. Schwab
United States District Judge